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US ASAT DELEGATION 0005

MILITARY ADDRESSEES HANDLE AS SPECAT

NASA FOR KRUEGER

E. O. 11652: XGDS-3
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SUBJ: ASAT TALKS: SECOND PLENARY MEETING, JUNE 9

SUMMARY. AT SECOND PLENARY MEETING OF ASAT TALKS, HELD
IN SOVIET EMBASSY ON JUNE 9, 1978, WARNKE OPENED WITH PREPARED
STATEMENT WHICH REITERATED US POSITION, ASKED SOVIET
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SIDE ABOUT THEIR ASAT TESTS, WARNED THAT US IS DETERMINED
THAT THE PRESENT ASYMMETRY IN ASAT CAPABILITIES WILL NOT
CONTINUE, AND RESPONDED TO SOVIET QUESTIONS AT FIRST
MEETING ABOUT TERMS AND COVERAGE OF "HOSTILE ACTS"
ASPECT OF US POSITION. KHESTOV NOTED SUCCESSFUL
BEGINNING OF THESE CONSULTATIONS AND EMERGENCE OF SOME
CONCIDING VIEWS ON "HOSTILE ACTS," AND EXPRESSED
SOVIET RECOGNITION OF NEED TO DISCUSS THAT PART OF US
POSITION DEALING WITH LIMITATION OF CAPABILITIES. WITH-
IN CONTEXT OF "HOSTILE ACTS," KHESTOV RAISED NEED TO

INCLUDE ALL OUTER SPACE OBJECTS REGARDLESS OF PRIMARY MISSION, USE OF SHUTTLE AS ASAT OR SHUTTLE AS ASAT LAUNCHER, AND INTERFERENCE WITH NORMAL FUNCTIONING OF SATELLITE. KHESTOV CLAIMED MUTUAL UNDERSTANDING THAT VERIFICATION SHOULD BE BY NATIONAL TECHNICAL MEANS, AND ADDED SOVIET VIEW THAT THIS EXCLUDED "INSPECTION ON THE SPOT." WARNKE REPLIED THAT NTM SHOULD BE PRIMARY VERIFICATION MEANS BUT THAT SOME KINDS OF COOPERATIVE MEASURES MAY BE INCLUDED.

IN WHAT MAY HAVE BEEN BEGINNING OF SOVIET ATTEMPT TO JUSTIFY ITS ASAT CAPABILITY, KHESTOV ASKED HOW A NATION SHOULD DEAL WITH UNLAWFUL ACTIVITIES IN SPACE, USING AS EXAMPLES THE INTRUSION OF A SPACE OBJECT INTO THE AIR SPACE OF A FOREIGN STATE WITHOUT ITS CONSENT, THE USE OF UNLAWFUL SATELLITES SUCH AS DIRECT BROADCAST SATELLITES WITHOUT RECEIVING STATE CONSENT, AND THE USE OF SPACE OBJECTS TO CAUSE DELETERIOUS EFFECTS ON ENVIRONMENT OF ANOTHER STATE. KHESTOV RAISED THE RIGHT OF A STATE TO TAKE "SPECIAL MEASURES IN ITS SELF DEFENSE." HE ALSO NOTED THAT THE USE OF SELF-DEFENSE MEANS AGAINST SPACE OBJECTS IS CONNECTED WITH THE FACT THAT THE REGIMES FOR AIR SPACE AND OUTER SPACE ARE DIFFERENT. WARNKE ARGUED THAT IT MAY BE POSSIBLE TO DISCUSS SPECIAL
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MEASURES TO DEAL WITH OUTER SPACE OBJECTS WHICH ONE OF OUR NATIONS CONSIDERS UNLAWFUL.

KHESTOV ALSO RAISED ISSUE OF HOW TO DEAL WITH THREATS FROM THE SATELLITES OF THIRD COUNTRIES. WHILE OTHER STATES MAY NOT HAVE SOPHISTICATED, THREATENING SATELLITES NOW, THEY COULD DEVELOP THEM IN THE FUTURE. WARNKE ARGUED THAT THE DANGER OF AN ASAT ARMS RACE OUTWEIGHED THE POSSIBLE DANGERS FROM SATELLITES.

MEETING ADJOURNED AFTER TWO AND A HALF HOURS. NEXT MEETING SCHEDULED FOR TUESDAY, JUNE 13. END SUMMARY.

1. OPENING AND ATMOSPHERICS. SECOND MEETING OPENED WITH WARNKE'S PREPARED STATEMENT (SEPTEL). AS AT FIRST MEETING, KHESTOV USED NOTES AND DID NOT DELIVER A PREPARED STATEMENT. HE DESCRIBED RESULTS OF THE FIRST DAY AS SUCCESSFUL, AND SAID THAT IT IS ALREADY POSSIBLE TO FIND SOME COMMON ELEMENTS IN THE US AND SOVIET POSITIONS. KHESTOV REITERATED THAT SOVIETS DID NOT ANTICIPATE ALL POINTS US HAS RAISED AND DID NOT HAVE A COMPLETE PICTURE OF THE SCOPE OF THE US POSITION; THERE WERE STILL MORE QUESTIONS.

2. HOSTILE ACTS. KHESTOV SAID USSE SHARED US DESIRE TO PREVENT USE OF SPACE FOR HOSTILE ACTIVITIES; SOVIET AND US VIEWS ARE ALIKE OR COINCIDE ON PREVENTION OF HOSTILE ACTS AGAINST SPACE OBJECTS. QUESTION IS WHAT STEPS

SHOULD BE UNDERTAKEN. IN A POSSIBLE AGREEMENT ON PREVENTING HOSTILE ACTS, WE MUST INCLUDE ANY MEANS, SPACE-BASED OR EARTH-BASED, AND MUST INCLUDE ALL TYPES OF OUTER SPACE OBJECTS REGARDLESS OF PRIMARY MISSION. IT WOULD BE NECESSARY TO CONSIDER THE REMOVAL OF A SPACE OBJECT, AND ALSO INTERFERENCE WITH THE NORMAL FUNCTIONING OF A SPACE OBJECT, SUCH AS THE PLACING OF A SCREEN BEFORE IT. KHLESTOV ASKED WHETHER THE US THINKS THAT THE LATTER FALL UNDER "HOSTILE ACTS."

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WARNKE SAID WE MUST AGREE ON WHAT KINDS OF ACTIVITIES ARE TO BE PROHIBITED. A SYSTEM NOT INTENDED TO HARM SATELLITES WOULD NOT BE PROHIBITED; BUT ACTS AGAINST SATELLITES WOULD BE. THE US SPACE SHUTTLE OBVIOUSLY IS NOT AN ASAT SYSTEM AND IS NOT INTENDED TO CAUSE DAMAGE TO SATELLITES. WHAT WE PROPOSE IS AN AGREEMENT THAT WOULD BAR THE INFILICATION BY ANY MEANS OF HOSTILE ACTS AGAINST SATELLITES. THE SCOPE OF OUR POSITION ON HOSTILE ACTS INCLUDES THE PROHIBITION OF DAMAGE OR DESTRUCTION, AND REMOVAL FROM ORBIT OR CHANGING THE ORBIT COULD ALSO BE CONSIDERED. AS FOR ACTIVITIES WHICH WOULD INTERFERE WITH SATELLITE OPERATIONS, WE WONDER IF THIS CAN BE ANSWERED ON AN OVERALL BASIS OR WHETHER THIS REQUIRES CASE BY CASE ANALYSIS. FOR EXAMPLE, WE ALREADY HAVE AGREEMENTS ON SALT WHICH PROHIBIT INTERFERENCE WITH NATIONAL TECHNICAL MEANS OF VERIFICATION.

3. "UNLAWFUL ACTIVITIES." KHLESTOV NOTED THAT THERE ARE ACTIVITIES IN SPACE WHICH CANNOT BE CONSIDERED LAWFUL. ONE EXAMPLE IS THE INTRUSION OF A SPACE OBJECT INTO THE AIR SPACE OF A FOREIGN STATE WITHOUT ITS CONSENT. THIS IS DIRECTLY RELATED TO THE FACT THAT THE REGIMES GOVERNING AIR SPACE AND OTHER SPACE ARE DIFFERENT; WITHIN ITS AIR SPACE, A STATE CAN USE SPECIAL MEANS TO DEFEND ITS SOVEREIGNTY, INCLUDING GROUND-BASED MEANS. ANOTHER EXAMPLE IS THE BEAMING OF SIGNALS FROM A DIRECT BROADCAST SATELLITE INTO A FOREIGN STATE WITHOUT ITS CONSENT; SUCH ACTIONS ARE CONSIDERED BY SOME STATES TO BE UNLAWFUL. A THIRD EXAMPLE IS THE USE OF A SPACE OBJECT FOR HARMFUL EFFECTS ON THE ENVIRONMENT OF A FOREIGN STATE. AN AGREEMENT ENVISAGING THE PREVENTION OF HOSTILE ACTS SHOULD NOT APPLY TO OBJECTS WHICH WOULD BE USED FOR UNLAWFUL PURPOSES. THE SOVIET SIDE WANTS TO KNOW THE US

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POSITION ON THIS. AS THE USSR UNDERSTANDS THE US POSITION, IT ENVISAGES THAT THE SIDES WOULD AGREE NOT TO PERFORM HOSTILE ACTS IN THE WIDE SENSE OF THE WORD AGAINST SPACE OBJECTS, AND THAT A SPACE OBJECT WOULD FALL UNDER THIS

PROVISION REGARDLESS OF ITS ACTIVITY. WE SHOULD NOT USE THIS OBLIGATION TO PROTECT OBJECTS PERFORMING UNLAWFUL ACTS; A STATE HAS THE RIGHT TO SELF DEFENSE AND SOVEREIGNTY, THE RIGHT TO REACT SOMEHOW.

WARNKE REPLIED THAT IT IS CLEAR THAT WE ARE NOT DEALING IN THESE DISCUSSIONS WITH AIR DEFENSE AGAINST AERODYNAMIC VEHICLES OR WITH ANTI-BALLISTIC MISSILES. THE US BELIVES THAT THE TWO SIDES COULD COME UP WITH A REALISTIC UNDERSTANDING OF THE DIFFERENCES BETWEEN AIR SPACE AND OUTER SPACE. AS FOR THE DIRECT BROADCAST SATELLITE QUESTION, IT IS POSSIBLE TO FIND A DIFFERENCE BETWEEN ACTIVITIES WHICH DAMAGE A SATELLITE AND ACTIVITIES WHICH JUST AFFECT ITS OPERATION; THESE QUESTIONS WILL REQUIRE FURTHER EXAMINATION. WE ALREADY HAVE AGREEMENT DEALING WITH WEAPONS OF MASS DESTRUCTION IN SPACE. IF A SATELLITE WERE ADVERSELY AFFECTING THE ENVIRONMENT, WE SHOULD DEAL WITH IT SEPARATELY IF IT HAS NOT BEEN DEALT WITH ALREADY. IT DOES NOT JUSTIFY AN ASAT CAPABILITY; TO JUSTIFY AN ASAT ON THE BASIS OF THIS POTENTIALITY IS TO MAKE THE CURE WORSE THAN THE DISEASE. WARNKE EMPHASIZED THAT, AS IN ANY ARMS CONTROL AGREEMENT, WE ARE INVOLVED IN BALANCING RISKS. THE US VIEW CONCERNS NOT ONLY HOSTILE ACTS BUT ALSO THE ACQUISITION AND RETENTION OF ASAT CAPABILITIES -- THE IDEA THAT NEITHER SIDE SHOULD ACQUIRE SPECIALIZED FAMILIES OF WEAPONS TO ATTACK SATELLITES. IF THE SOVIET APPERHENSION THAT THE US WILL ENGAGE IN SUCH UNLAWFUL ACTIVITIES IS SO GREAT THAT THE SOVIET UNION BELIVES IT NEEDS AN ASAT CAPABILITY, THEN THE USSR OBVIOUSLY CANNOT JOIN US IN THIS VENTURE. THE RISKS ARE FAR GREATER AND MORE REALISTIC IN THE ABSENCE OF AN AGREEMENT; SATELLITES WHICH MIGHT POSSIBLY POSE A THREAT ARE NOWHERE NEAR AS IMPORTANT AS THE THREAT TO SECRET

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STABILITY AND INTERNATIONAL PEACE POSED BY ASAT SYSTEMS. IT IS ALWAYS POSSIBLE TO CONJECTURE A THREAT JUSTIFYING A NEW FAMILY OF WEAPONS, BUT THE THREAT FROM THOSE WEAPONS IS WORSE. NOT DEVELOPING ASAT ARSENALS IS MORE IMPORTANT THAN PREVENTING ACTIONS WHICH WE DO NOT APPROVE. WE HAVE AGREED ON SOME OBJECTS WHICH SHOULD BE BARRED FROM SPACE; IF THERE ARE OTHERS, WE CAN DEAL WITH THEM DIRECTLY.

KHLESTOV RESPONDED THAT WHILE US THINKS POSSIBLE UNLAWFUL ACTIVITIES ARE UNIMPORTANT COMPARED TO ASAT DEVELOPMENT, THIS QUESTION CAUSES SOME PROBLEMS ON THE SOVIET SIDE; IF CERTAIN ACTIVITIES ARE DEVELOPED, THEY ARE DIFFICULT TO STOP. THE USSR DOES NOT WANT TO USE UNLAWFUL ACTIVITIES AS A PRETEXT TO PREVENT A COMMITMENT TO AN AGREEMENT ON ASAT DEVELOPMENT, BUT THE US SHOULD TAKE INTO ACCOUNT SOVIET INTERESTS AND POINTS OF VIEW. WARNKE SAID WE ARE NOT INDIFFERENT TO SOVIET CONCERNS, BUT REITERATED THE US CONCLUSION THAT THE DEVELOPMENT OF

ASAT CAPABILITIES IS A GREATER THREAT. TO THE EXTENT THAT A SATELLITE THREAT EMERGES, WE MUST FIND WAYS OF DEALING WITH IT THAT DO NOT PUT ALL SATELLITES AT RISK; IT IS NOT NOW POSSIBLE TO DEVELOP ASAT SYSTEMS ONLY TO DEAL WITH "BAD" SATELLITES. WE WOULD NOT SAY THAT AN OUTLAW SATELLITE FOR CAUSING HARM TO A FOREIGN STATE SHOULD BE PROTECTED. KHESTOV ASKED IF THE US ADMITTED THE POSSIBILITY THAT WE COULD TAKE SPECIAL MEASURES AGAINST "BAD" SATELLITES. WARNKE SAID THIS IS SOMETHING WE CAN EXPLORE.

4. THIRD COUNTRY SATELLITES. IN RELATED REMARKS, KHESTOV RAISED QUESTION OF HOW SOVIET UNION SHOULD DEAL WITH PROBLEM OF THREAT TO SECURITY FROM THIRD COUNTRY SATELLITES. WARNKE REPLIED THAT, IF THE SOVIET UNION IS
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WORRIED ABOUT A THIRD COUNTRY, WE BOTH HAVE SUFFICIENT SPACE CAPABILITIES. EVEN WITH AN ANIT-SATELLITE LIMITATION AGREEMENT, BOTH SIDES WOULD HAVE RESIDUAL CAPABILITIES SUFFICIENT TO DEAL WITH A LOW LEVEL OF THREAT. KHESTOV SAID THAT THE LEVEL OF DEVELOPMENT OF THIRD STATES IS COMPARATIVELY LOW, BUT THEY CAN REACH A LEVEL WHICH COULD CREATE A THREAT TO THE SECURITY OF THE USSR. SINCE THE USSR AND THE US ARE DISCUSSING AGREEMENT NOT TO DEVELOP ASAT SYSTEMS FOR A LONG PERIOD OF TIME, AND IN GENERAL TO ELIMINATE ASAT SYSTEMS, MAYBE THE TIME WILL COME WHEN THIRD STATES WILL REACH A HIGHER LEVEL. KHESTOV ASKED FOR THE US ESTIMATION OF THIS. IN ADDITION, THE ENVISIONED AGREEMENT PROHIBITING HOSTILE ACTS WOULD REMOVE THE STIMULUS FOR DEVELOPING ASAT CAPABILITIES. WARNKE REITERATED THE US VIEW THAT THE THREAT FROM ASAT SYSTEMS IS GREATER THAN FROM SATELLITES, AND SAID THIS APPLIED TO THE US AND USSR AND TO THIRD COUNTRIES. WE FACE THE SAME THIRD COUNTRY QUESTION IN SALT AND CTB. THERE IS ALWAYS THE OPTION TO HAVE A SUPREME INTEREST CLAUSE ALLOWING WITHDRAWAL FROM THE AGREEMENT. THIS DOES NOT PRECLUDE A BILATERAL AGREEMENT. IF A HOSTILE ACTS AGREEMENT WOULD REMOVE THE INCENTIVE TO DEVELOP ASAT CAPABILITIES, WHY NOT SPELL OUT AN AGREEMENT NOT TO DEVELOP ASAT CAPABILITIES?

5. SPACE SHUTTLE. KHESTOV SAID HE UNDERSTOOD THE US POSITION ON HOSTILE ACTS TO INCLUDE SPACECRAFT OF THE SHUTTLE TYPE. HE ASKED IF THE US THOUGHT IT POSSIBLE TO AGREE THAT THE SHUTTLE WOULD NOT BE USED FOR HOSTILE ACTS EITHER DIRECTLY OR INDIRECTLY THROUGH THE LAUNCH OF MEANS CAPABLE OF ACTS AGAINST SATELLITES. WARNKE REPLIED THAT A SYSTEM NOT INTENDED FOR HARMING SATELLITES WOULD NOT BE PROHIBITED, BUT IT WOULD BE PROHIBITED FROM HARMING SATELLITES. HE SAID THAT OUR SHUTTLE IS OBVIOUSLY NOT AN ASAT SYSTEM AND IS NOT

INTENDED TO DAMAGE SATELLITES.

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6. LIMITATION AND ELIMINATION OF ASAT CAPABILITIES. KHLESTOV SAID THE SECOND PART OF THE US APPROACH, ON THE DEVELOPMENT OF ASAT SYSTEMS, WAS NOT QUITE CLEAR. THE USSR WANTS TO CONTINUE DISCUSSION OF THIS AS WELL SO THAT IT CAN UNDERSTAND. WARNKE REITERATED THAT US SEEKS AGREEMENT BANNING ACQUISITION AND RETENTION OF ASAT CAPABILITIES. KHLESTOV SAID SOVIETS WOULD CONSIDER HOW US PUT QUESTION OF NON-DEVELOPMENT OF ASAT SYSTEMS, AND SAID SOVIETS ARE STUDYING THIS THOROUGHLY. (FYI. KHLESTOV LATER TOLD WARNKE PRIVATELY THAT SOVIET DELEGATION CAME WITH INSTRUCTIONS ONLY ON HOSTILE ACTS. END FYI.)

7. VERIFICATION. KHELSTOV SAID THE TWO SIDES AGREE ON VERIFICATION: WE SHOULD USE NATIONAL TECHNICAL MEANS AND EXCLUDE INSPECTION ON THE SPOT. WARNKE SAID ON-SITE INSPECTION OF AN EVENT MIGHT BE IMPRACTICAL, AND THAT NTM SHOULD BE THE PRIMARY VERIFICATION MEANS, BUT THAT COOPERATIVE MEASURES IN SUPPOORT OF NTM MIGHT BE INCLUDED.

8. CLOSING REMARKS. WARNKE SAID US IS PREPARED TO DISCUSS MORE CONCRETE STEPS THAT MIGHT BE TAKEN. HE WARNED THAT IF THE USSR CONTINUES WITH ASAT DEVELOPMENT, THE US WILL DO THE SAME. THIS WILL COST BILLIONS AND WILL NOT ADD TO SECURITY. THE SATELLITES OF BOTH SIDES WILL BECOME INCREASINGLY EXPENSIVE AND VULNERABLE. IT WILL HAMPER ARMS CONTROL AGREEMENTS, AND COOPERATION IN SPACE WILL BECOME INCREASINGLY DIFFICULT. WE DID NOT ANTICIPATE THE ARGUMENT PRESENTED BY THE SOVIET SIDE AT THIS SESSION (CONCERNING REASONS FOR HAVING AN ASAT CAPABILITY); IT IS INTEGRAL TO WHETHER THIS ENTIRE

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ENDEAVOR IS WORHTWHILE. KHLESTOV REPLIED THAT THE SOVIETS ALSO HEARD UNEXPECTED THINGS, BUT THAT IT WAS BETTER TO HEAR THE UNEXPECTED NOW THAN LATER IN THE TALKS. RIDGWAY UNQUOTE. VANCE

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